

In re reissue application of
Nally, et al.
Serial No. 09/374,041
Control No. 90/005,471
Filing Date: August 13, 1999
For: U.S. Patent No. 5,598,525

REMARKS

Claims 1-48 remain in the application. Claims 1-48 stand rejected although claims 1-48 have been held to distinguish over the prior art.

The Examiner rejected claims 1-48 under 35 U.S.C. 251 as based on a defective reissue declaration. A new reissue declaration is provided herewith. The new declaration complies with the current rules and regulations for reissue applications. This executed copy of the new reissue oath or declaration should obviate the rejection under 35 U.S.C. § 251.

The Examiner noted that the substitute specification filed on September 19, 2001, has not been entered. That substitute specification was submitted in response to a request by the Examiner for a clean copy in the office action mailed August 31, 2001. The Examiner has noted that in order for a substitute specification to be accepted, applicants must file a petition under 37 C.F.R. § 1.183 requesting waiver of 37 C.F.R. § 1.125(d) and 37 C.F.R. § 1.173(a)(1). A copy of a petition under 37 C.F.R. § 1.183 to accept the attached substitute specification is submitted herewith. The original was separately filed concurrently with this response.

The Examiner has requested a separate listing of all claims in their current state. The list of claims set forth at

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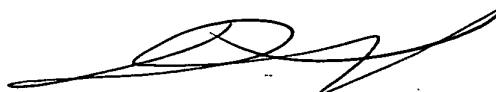
the beginning of this response includes all amendments to date. The amendments are shown with brackets and underlining as set forth in 37 C.F.R. § 1.73(b).

Applicant previously filed a declaration of lost or missing patent. The ribbon copy of the original has now been located and is attached to this response.

Accordingly, each of the requirements set forth by the Examiner has been satisfied. Accordingly, applicants respectfully request that the Examiner permit the application to issue as a reissued patent with a reexamination certificate confirming the allowed claims.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 01-0484 and please credit any excess fees to such deposit account.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, COMMISSIONER OF PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, on this 11 day of October, 2005.



A handwritten signature in cursive script, appearing to read "Kristin Ferguson", is written over a horizontal line.

Attachments:

1. Original ribbon copy of patent
2. Substitute specification
3. New reissue declaration
4. Statement under 37 C.F.R. 3.73(b)
5. Copy of Petition under 37 C.F.R. 1.183
(original filed separately)